

Notice of Abandonment

Application No.

09/017,735

Applicant(s)

Grey et al.

Examiner

Ron Schwadron

Art Unit

1644



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ No response has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
 - (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The response period has expired and applicant has not complied with the previous Office Action as per the enclosed letter.

RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800-1600

1. The previous office action stated:

No Sequence listing has been submitted for the sequences recited in claims 9,31,41 or 54. The sequence listing submitted in the instant application has been submitted in the preJuly 1998 format and therefore is subject to the preJuly 1998 sequence rules wherein a sequence listing is required for the aforementioned sequences.

Regarding applicants comments in the amendment filed 5/7/2001, the aforementioned claims recite a written description (versus formula depiction) of an amino acid sequence. For example, claim 9 discloses the sequence XYXXXXXZ, wherein Y and Z are the particular amino acids recited in the claims and X at position 3 is 1-3 amino acids. The sequence listing submitted in the instant application has been submitted in the preJuly 1998 format and therefore is subject to the preJuly 1998 sequence rules wherein a sequence listing is required for the aforementioned sequences.

Regarding applicants comments, the aforementioned claims recite a written description (versus formula depiction) of an amino acid sequence. For example, claim 9 discloses the sequence XYXXXXXZ, wherein Y and Z are the particular amino acids recited in the claims and X at position 3 is 1-3 amino acids. This sequence is encompassed by sequences under the preJuly 1998 format. The sequence listing submitted in the instant application has been submitted in the preJuly 1998 format and therefore is subject to the preJuly 1998 sequence rules wherein a sequence listing is required for the aforementioned sequences. Applicants conversation with Bob Wax should confirm this point.

2. Papers related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Papers should be faxed to Group 1600 at (703) 308-4242.

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-

Serial No. 09017735
Art Unit 1644

3

4680. The examiner can normally be reached Monday through Thursday from 7:30 to 6:00. A message may be left on the examiners voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Ms Christina Chan can be reached on (703) 308-3974. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.



RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800

Ron Schwadron, Ph.D.
Primary Examiner
Art Unit 1644